



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

FILED

Order Instituting Rulemaking Concerning Relationship
Between California Energy Utilities and Their Holding
Companies and Non-Regulated Affiliates

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Rulemaking 05-10-030
(Filed October 27, 2005)

**MOTION OF THE GREENLINING INSTITUTE TO COMPEL RESPONSES FROM
EDISON, PG&E, AND SEMPRA TO GREENLINING'S DATA REQUEST**

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October 11, 2006

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INTRODUCTION

The Greenlining Institute (“Greenlining”) hereby submits this Motion to Compel Responses from Southern California Edison, Pacific Gas & Electric, and Sempra. This motion is filed in accordance with Rule 45 *et seq.* of the Commission’s Rules of Practice and Procedure.

ARGUMENT: The Data Greenlining Seeks From the Three Major Energy Utilities is Relevant

Greenlining respectfully requests that this Commission compel the above-named energy utilities to fully and expeditiously respond to Greenlining’s data request, attached hereto as Exhibit A. In this data request, Greenlining has asked these three energy utilities to provide basic information regarding their billings, attorney and staff time, and attorney diversity through the end of August 2006 in this proceeding.

Greenlining has had “meet and confer” discussions regarding the data requests set forth herein with counsel for Pacific Gas & Electric (10/4/06), Southern California Edison (10/6/06) and Sempra (10/10/06). For generally the same reasons, counsel for all three utilities refuse to comply with the data requests.

Greenlining's data requests are made in the context of the ALJ's decision questioning Greenlining's potential intervener compensation and strongly suggesting that the estimate might be excessive, as well as improperly comparing its requested compensation with that of other interveners who have filed on totally different issues (ALJ's Ruling Regarding Greenlining's Notice of Intent to Claim Compensation, 9/12/06, p. 5). In light of the fact that these concerns could jeopardize Greenlining's potential intervener compensation, and in order to prevent delay in any such potential compensation, Greenlining requests the Commission's guidance regarding our own participation by granting this motion to compel response.

Greenlining contends that data indicating the number of attorneys engaged by these three utilities, their hourly rates and their overall compensation in this proceeding are relevant to Greenlining's intervener compensation estimate. Specifically, Greenlining, upon information and belief, will demonstrate, by the collection of this data, that the utilities will expend five or more times opposing Greenlining's efforts than Greenlining will ultimately be requesting in compensation. Further, Greenlining will demonstrate through this that its hourly rates for this proceeding are extremely modest, that it operates efficiently and is not engaged in duplicative work.

Greenlining has also requested in this proceeding diversity information regarding in-house and outside counsel who are playing major roles in this proceeding. This is highly relevant to the CPUC's emphasis on supplier diversity and, in particular, to the October 3 en banc CPUC diversity hearing that focused on the failure of these three utilities to contract with minority-owned law firms or encourage large white law firms to hire and promote more minorities and involve more minorities on utility issues. This CPUC panel also focused on the need for more in-house diversity, although some of the three utilities contend, without sufficient specifics, that their in-house counsel were diverse.

The data requested herein on diversity is likely to demonstrate not only the lack of diversity regarding outside law firms, but the lack of diversity among the lawyers white law firms employ on crucial utility issues such as herein. The data is also likely to demonstrate that in-house counsel diversity is far more along lines of gender than racial diversity and not particularly successful in the upper ranges of in-house responsibility and compensation.

Greenlining does want to acknowledge a letter dated October 10 from Shirley Woo of PG&E's legal team, which emphasizes: "The management of PG&E's law department has made achieving a more diverse in-house lawyer population and greater diversity in outside counsel one of its highest priorities, as the Vice President and Managing Director of the law department testified at last week's diversity hearing." Greenlining's concern is not PG&E's intent, but its achievements.

CONCLUSION

For the reasons stated above, and in light of the importance of this data to Greenlining's participation in this proceeding, Greenlining respectfully requests that the Commission order Edison, PG&E and Sempra to produce responses to Greenlining's data requests as attached hereto.

With respect to this motion, Greenlining also requests a shortening of time in order to gather the necessary data prior to the October 18 en banc hearing in this proceeding.

Dated: October 11, 2006

Respectfully submitted,

/s/ Robert Gnaizda

Robert Gnaizda

Chris Vaeth

THE GREENLINING INSTITUTE

EXHIBIT A

September 22, 2006

Stephen E. Pickett
Attorney for Southern California Edison
2244 Walnut Grove Ave.
PO Box 800
Rosemead, CA 91770
VIA FAX AND U.S. MAIL
626-302-6693

Data Request Relating to Rulemaking 05-10-030

Dear Mr. Pickett,

In light of ALJ Vieth's ruling of September 12 in R. 05-10-030, Greenlining requests all billings and all attorney and staff time through the end of August 2006 in this proceeding.

Specifically, we would appreciate receiving within ten days the following:

- 1.) total hours by all in-house Edison attorneys, paralegals and management on this OIR through to August 31, plus, if possible, an estimate of additional hours to the completion of the case;
- 2.) total compensation provided, including bonuses, stock options and retirement benefits for each of such attorneys, paralegals, and management for the prior year;
- 3.) for all outside attorneys used or contacted in the above entitled holding company proceeding, we would appreciate receiving total hours billed through August 31; and
- 4.) for all attorneys and paralegals, the hourly rates for each and the years of experience for each one. This includes the listed law firm of Munger, Tolles & Olson, but is not limited thereto.

Diversity Data

As you are aware, the CPUC has raised increasing concerns regarding the lack of supplier diversity contracts to minority-run law firms and some utilities have raised issues about changing definitions to include minority lawyers at white-owned firms. With this in mind, we would also appreciate receiving within ten days the following diversity data broken down by race, ethnicity and gender:

- 1.) The race, ethnicity and gender of all in-house attorneys at your corporation in a format that lists the attorneys by order of compensation. That is, no names need be mentioned, but if there are 100 attorneys, the first attorney listed will be the one with the highest aggregate compensation for the year 2005, etc.
- 2.) Securing from Munger, Tolles & Olson the race, ethnicity and gender of:
 - a. The attorneys who specifically worked on or reviewed this case;

- b. All attorneys at the law firm nationally; and
- c. In each case, a breakdown should be provided as follows: senior partner, partner, senior associates (five or more years experience) and junior associates (less than five years).

Thank you for your attention to this matter. We would appreciate a response within ten days.

Sincerely,

Robert Gnaizda
General Counsel

Chris Vaeth
CPUC Senior Paralegal

September 22, 2006

Christopher J. Warner
Attorney for PG&E
Law Department
77 Beale St., PO Box 7422
San Francisco, CA 94120
VIA FAX AND U.S. MAIL
415-973-0516

Data Request Relating to Rulemaking 05-10-030

Dear Mr. Warner,

In light of ALJ Vieth's ruling of September 12 in R. 05-10-030, Greenlining requests all billings and all attorney and staff time through the end of August 2006 in this proceeding.

Specifically, we would appreciate receiving within ten days the following:

- 1.) total hours by all in-house PG&E attorneys, paralegals and management on this OIR through to August 31, plus, if possible, an estimate of additional hours to the completion of the case;
- 2.) total compensation provided, including bonuses, stock options and retirement benefits for each of such attorneys, paralegals, and management for the prior year;
- 3.) for all outside attorneys used or contacted in the above entitled holding company proceeding, we would appreciate receiving total hours billed through August 31; and
- 4.) for all attorneys and paralegals, the hourly rates for each and the years of experience for each one. This includes the listed law firm of Munger, Tolles & Olson, but is not limited thereto.

Diversity Data

As you are aware, the CPUC has raised increasing concerns regarding the lack of supplier diversity contracts to minority-run law firms and some utilities have raised issues about changing definitions to include minority lawyers at white-owned firms. With this in mind, we would also appreciate receiving within ten days the following diversity data broken down by race, ethnicity and gender:

- 1.) The race, ethnicity and gender of all in-house attorneys at your corporation in a format that lists the attorneys by order of compensation. That is, no names need be mentioned, but if there are 100 attorneys, the first attorney listed will be the one with the highest aggregate compensation for the year 2005, etc.
- 2.) Securing from Munger, Tolles & Olson the race, ethnicity and gender of:
 - a. The attorneys who specifically worked on or reviewed this case;
 - b. All attorneys at the law firm nationally; and

- c. In each case, a breakdown should be provided as follows: senior partner, partner, senior associates (five or more years experience) and junior associates (less than five years).

Thank you for your attention to this matter. We would appreciate a response within ten days.

Sincerely,

Robert Gnaizda
General Counsel

Chris Vaeth
CPUC Senior Paralegal

September 22, 2006

Steven C. Nelson
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101 Ash St., HQ-13D
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619-699-5027

Data Request Relating to Rulemaking 05-10-030

Dear Mr. Nelson,

In light of ALJ Vieth's ruling of September 12 in R. 05-10-030, Greenlining requests all billings and all attorney and staff time through the end of August 2006 in this proceeding.

Specifically, we would appreciate receiving within ten days the following:

- 1.) total hours by all in-house Sempra attorneys, paralegals and management on this OIR through to August 31, plus, if possible, an estimate of additional hours to the completion of the case;
- 2.) total compensation provided, including bonuses, stock options and retirement benefits for each of such attorneys, paralegals, and management for the prior year;
- 3.) for all outside attorneys used or contacted in the above entitled holding company proceeding, we would appreciate receiving total hours billed through August 31; and
- 4.) for all attorneys and paralegals, the hourly rates for each and the years of experience for each one. This includes the listed law firm of Munger, Tolles & Olson, but is not limited thereto.

Diversity Data

As you are aware, the CPUC has raised increasing concerns regarding the lack of supplier diversity contracts to minority-run law firms and some utilities have raised issues about changing definitions to include minority lawyers at white-owned firms. With this in mind, we would also appreciate receiving within ten days the following diversity data broken down by race, ethnicity and gender:

- 1.) The race, ethnicity and gender of all in-house attorneys at your corporation in a format that lists the attorneys by order of compensation. That is, no names need be mentioned, but if there are 100 attorneys, the first attorney listed will be the one with the highest aggregate compensation for the year 2005, etc.
- 2.) Securing from Munger, Tolles & Olson the race, ethnicity and gender of:
 - a. The attorneys who specifically worked on or reviewed this case;
 - b. All attorneys at the law firm nationally; and
 - c. In each case, a breakdown should be provided as follows: senior partner, partner, senior associates (five or more years experience) and junior associates (less than five years).

Thank you for your attention to this matter. We would appreciate a response within ten days.

Sincerely,

Robert Gnaizda
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Chris Vaeth
CPUC Senior Paralegal

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[PROPOSED] ADMINISTRATIVE LAW JUDGE'S RULING

In accordance with its Rules of Practice and Procedure, the California Public Utilities Commission ("Commission") has considered the Motion of the Greenlining Institute to Compel Responses From Edison, PG&E, and Sempra to Greenlining's Data Request, filed October 11, 2006 in the above captioned proceeding, and further arguments of the parties. For good cause shown, the Commission hereby orders the motion of Greenlining as follows:

· EDISON, PG&E, AND SEMPRA are compelled to respond fully to the data request of the Greenlining Institute in the case of Rulemaking 05-10-010 with information regarding their billings, attorney and staff time, and attorney diversity, as detailed in Greenlining's data request in this proceeding.

Dated _____, 2006 at San Francisco, California.

Administrative Law Judge

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of:

**MOTION OF THE GREENLINING INSTITUTE TO COMPEL RESPONSES FROM
EDISON, PG&E, AND SEMPRA TO GREENLINING'S DATA REQUEST**

on all known parties to the above-captioned proceedings by mailing a properly addressed copy by first-class mail with postage prepaid, transmitting a facsimile copy, and/or transmitting an electronic copy to each party named in the official service list as maintained on the California Public Utilities Commission's web page.

Executed on October 3, 2006 at Berkeley, California.

/s/ Chris Vaeth

Chris Vaeth

SERVICE LIST

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